

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 1902

House Bill No. 1778*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, is amended by adding Sections 2 through 6 of this act as a new part thereto.

SECTION 2. This act shall be known and may be cited as the "Amusement Operator Safety and Liability Act".

SECTION 3. As used in this part unless the context otherwise requires:

(1) "Amusement device" means a ride with an individual carrier for no more than two (2) riders with one (1) or more elements of control which are exercised by the rider for the direction or manner of its movement as the ride moves on or in a guiding surface, structure or area that is provided by the amusement operator and the purpose of such ride is to provide amusement, excitement, pleasure or thrills to the rider.

(2) "Amusement operator" means any person, corporation, organization or business entity which provides access to and use of an amusement device for a fee.

SECTION 4. (a) Notwithstanding any provision of law to the contrary, an amusement operator shall be liable for injuries sustained by individuals using an amusement device only to the extent such injuries were proximately caused by the negligent conduct of the amusement operator.

(b) Amusement operators shall provide written or oral instructions and warnings to persons using amusement devices. Such instructions and warnings shall provide sufficient information to individuals using the amusement device to explain the means to control acceleration, speed, braking, direction of travel

70600094

70600094

008151

00815124

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1902

House Bill No. 1778*

and/or turning movements which are under the control and responsibility of such individuals. Individuals using amusement devices shall be liable for injuries to the extent that said injuries resulted from their own negligent conduct.

(c) Nothing in this act shall be construed to increase or decrease the standard of care currently required under comparative fault.

SECTION 5. Amusement operators shall provide to the commissioner of labor proof of insurance against liability for injury to an individual that arises out of the use of an amusement device in an amount of at least one million dollars (\$1,000,000) per incident.

SECTION 6. The provisions of this section are in addition to any other requirements which may be required by law.

SECTION 7. This act shall take effect January 1, 1998, the public welfare requiring it.

70600094

70600094

008151

00815124